



IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Udo J. VETTER et al

Patent App. 10/821,253

Filed 8 April 2004

Conf. No. 8401

For PREFILLED HYPODERMIC SYRINGE

Art Unit 3763

Examiner Aimed, A

Hon. Commissioner of Patents

Box 1450

Alexandria, VA 22313-1450

#### FIRST AMENDMENT

This is in response to the Office Action mailed  
28 July 2005.

Applicant herewith elects the device of claims 1 to 4  
with traverse.

Main device claim 1 and method claim 5 are of essentially identical scope. The examiner's statement that restriction is appropriate because the device of claim 1 could be made by a method of claim 5 by reversing the order of the first and second steps of claim 5. This is an inapposite argument in that there is nothing in claim 5 to indicate that the first step precedes the second step. In fact the use of the term "thereafter" in the subsequent

steps clearly indicates that these first two steps could be done in any order.

Thus the requirement for restriction is incorrect and must be withdrawn. All claims should be examined.

Respectfully submitted,  
The Firm of Karl F. Ross P.C.



---

by: Andrew Wilford, 26,597  
Attorney for Applicant

09 August 2005  
5676 Riverdale Avenue Box 900  
Bronx, NY 10471-0900  
Cust. No.: 535  
Tel: (718) 884-6600  
Fax: (718) 601-1099

Enclosure:                      None.